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Attorney Docket A-035 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 15 2004

In re Application of:

Jeffrey A. Trogolo et. al.

Application No.: 10/032,372

Filed: December 21, 2001

For: Encapsulated Inorganic Antimicrobial Additive  
for Controlled Release

Examiner: Choi, Frank L.

Group Art Unit: 1616

OFFICIAL

CERTIFICATE OF TRANSMISSION

I hereby certify that this Certificate of Transmission together with the below identified attachments pertaining to the above-referenced pending US Patent Applications, totaling 22 pages, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9307 on this day, July 15, 2004.

## Attachments:

- Combined Amendment and Response to Office Action Dated January 16, 2004 and Petition for Three Month Extension of Time (15 pages)
  - Declaration of Jeffrey A. Trogolo (4 pages)
  - Request for Continued Examination (1 page)
  - Credit Card Authorization in the amount of \$860.00\* (1 page)  
for
    - fee for RCE (1.17(e)) - \$385.00\*
    - fee for Three Month Extension of Time (1.17(a)(3)) - \$475.00\*
- (\* small entity)

Respectfully submitted,

  
Edward K. Welch II

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PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031  
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# Request for Continued Examination (RCE) Transmittal

Address to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/032,372
Filing Date	12/21/2001
First Named Inventor	Jeffrey A. Trugolo
Art Unit	1816
Examiner Name	F.J. Choi
Attorney Docket Number	A-035 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☒ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Petition for Ext. of Time (in amendment)

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

d. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Edward K. Welch II	Registration No. (Attorney/Agent)	30899
Signature		Date	July 15, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Edward K. Welch II	Date	July 15, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket A-035 US

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Edward K. Welch II

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**AMENDMENT AND RESPONSE TO OFFICE ACTION DATED JANUARY 16, 2004  
AND PETITION FOR A THREE-MONTH EXTENSION OF TIME**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action issued on January 16, 2004 with respect to the above-identified pending patent application, please enter the following amendment and response. Amendments to the Claims begin on page 2. The Remarks begin on page 7. The Petition for Three Month Extension of Time is found on page 15. A Request for Continued Examination is cofiled herewith.

/pat/microencap/3.26.03 response